

Navy Hotline Complaint 201500640
Report of Investigation
1 December 2015

1. Investigator(s) and identifying Information and Location of Working Papers

a. Investigator(s) and Identifying Information

(b) (6) NAVFAC EURAFSWA, Command Inspector General; Naval Facilities Engineering Command (NAVFAC) EURAFSWA, 011-39-081-568-5230, DSN 314-625-5230,
(b) (6)

b. Location of working papers.

Naval Inspector General Hotline Tracking System (NIGHTS) 201500640.

2. Background and Summary

a. Hotline Control #s, Dates of Receipt, and Tasking Dates

(1) On or around November 2014, (b) (6), Naval Facilities Command Europe, Africa Southwest Asia's (NAVFAC EURAFSWA) Commanding Officer received an anonymous letter with complaints against Naval Support Activity (NSA) Bahrain's Public Works Department (PWD) Environmental Department. The complaints included possible contract irregularities and extended tour lengths and personal misconduct of an un-named employee.

(2) On or around November 2015, (b) (6), Deputy Commander, Navy Region EURAFSWA, Deputy Commander, CTF Shore Battle Space, received an anonymous letter. The letter complained of possible mismanagement of an oil spill at the ISA Bahrain Air Force base.

(3) On or around November 2014 Naval Criminal Investigative Service (NCIS) was forwarded the complaint of possible contract fraud and the mismanagement complaint of the oil spill at ISA Air Force base.

(4) On or around November 2014, the complaint of employee tour lengths and personal misconduct was forwarded to the Public Works Officer.

(5) On or around December 2014, It was determined that the un-named employee was (b) (6)
(b) (6) has been stationed at NSA Bahrain since 1997.

(6) On 25 February 2015, (b) (6) NAVFAC EURAFSWA's Command Inspector General, conducted a focus group¹ with the Local National workers from Bahrain's Public Works Department. Focus group members complained the environmental supervisor has his staff perform personal services which include the painting of his house, delivering his family's mail to his residence, repair personnel electronics etc. He routinely threatens to terminate their employment and prevents them from attending command functions². He fails to recognize sick leave or physician's notes. One member also mentioned possible financial mismanagement by the environmental supervisor.

(7) On 25 February 2015, NAVFAC EURAFSWA Command Inspector General placed the complaint in the NIGHTS Hotline. Hotline complaint number 201500640 was assigned as the case number.

¹ Focus groups are held during Command Evaluations to determine and identify quality of work life and moral issues.

² The function included all hands events with the Public Works Officer.

- (8) On 6 March 2015, Naval Inspector General Hotline Tracking System (NIGHTS) assigned (b) (6) as the Case Manager for Case Number 201500640
- (9) On 10 March 2015, (b) (6) requested to Investigate Case Number 201500640.
- (10) (b) (6) of NF Atlantic requested to Investigate Case Number 201500640.
- (11) 12 March 2015, (b) (6), Naval Inspector General's (NAVINSGEN) case manager, authorized the request to conduct a full investigation.
- (12) 24 March 2015, (b) (6) was issued his subject notification for violations of using his staff to perform personal services and improper approving of sick leave.
- (13) 25 and 26 March 2015, (b) (6) conducted witness interviews.
- (14) 26 March 2015, (b) (6) conducted a subject interview with (b) (6)
- (15) 13 May 2015, (b) (6) conducted clarifying written witness interviews.
- (16) 9 June 2015, (b) (6) reissued subject notifications to (b) (6) that included two new allegations. The additional violations are improper use of a government vehicle and travel voucher fraud.
- (17) 9 June 2015, (b) (6) presented (b) (6) a letter from (b) (6) Naval Facilities Command Europe Africa Southwest Asia, Environmental Business Line Coordinator directing him to participate in the investigation into the allegations against him.
- (18) 9 June 2015, (b) (6) issued (b) (6) Kalkines rights granting him use immunity into the administrative allegations against him. He was also notified his failure to participate could result in administrative actions against him including termination.
- (19) 9 June 2015, (b) (6) conducted a follow-up interview with (b) (6) refused to participate in answering any questions that pertained to travel voucher fraud.
- (20) 23 June 2015, (b) (6) reissued subject notifications to (b) (6) that included one new allegation. The additional allegation is he failed to participate in the investigation as directed by his letter from (b) (6) SECNAVINST 5430.57G and his Kalkines rights.

b. Summary of Complaint. (b) (6) used his staff to perform personal services and (b) (6) failed to approve sick leave. The allegations stemmed from comments made from participants during a yearly routine command evaluation focus group with the local national workforce. Review of the facts determined the case warranted an investigation.

c. Summary of the outcome of investigation. A review of the complaint determined the allegations were appropriate for investigation. The investigation determined that all five allegations are substantiated.

e. List of allegations.

(1) That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, Directed his staff perform personal services in violation of the Joint Ethics Regulation (JER) and Subpart G 5 CFR Part 2635.702 and Central Command Regulation 690-3 (CCR 690-3) 8 January 2015 10-7. Waste or embezzlement of assets and misuse of labor.

(2) That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, did abuse his authority by not approving annual and sick leave of his staff personnel in violation of Central Command Regulation 690-3 (CCR 690-3) 8 January 2015 ADMINISTRATION AND MANAGEMENT OF DEPARTMENT OF DEFENSE NON-U.S. CITIZEN EMPLOYEES – BAHRAIN Chapter 6 - SICK LEAVE.³

(3) That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, did willfully uses or authorizes the use of a Government Vehicle, for other than an official purpose in violation of 41 CFR 109-38 Subpart 109-38.3—Official Use of Government Motor Vehicles and The Joint Ethics Regulation (JER) 5 CFR 2635.704 (Subpart G,).

(4) That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, did submit fraudulent travel voucher claims in violation of the Defense Travel System instruction, US Code, Title 18 Section 287, US Code, Title 18 Section 1001 and Title 31, section 3729 from January 2014 to March 2015.

(5) That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, failed to actively participate or answer all questions during his interview in violation of the Inspector General Act of 1978, as amended; (b) (6) letter directing (b) (6) participation; and (b) (6) Kalkines warning and assurance letter.

3. First allegation. That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, misuse his position by directing his staff to perform personal services in violation of the Joint Ethics Regulation (JER), Subpart G, (5 CFR 2635.702). **Substantiated.**

a. Facts

(1) 25 and 26 March 2015, (b) (6) conducted witness interviews.

(2) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him move his personal items during (b) (6) personal move from his old residence to his new residence. Additionally, he was directed to take (b) (6) personal vehicle to get inspections and repairs. These tasking took place during Ajithkumar Nair's normal working hours.

(3) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him deliver his personal mail to his private residence⁴, drive him to the airport, retrieve items off base, take clothing to the tailor, make repairs to (b) (6) watches and pack cloths for shipment for (b) (6). These tasking took place during (b) (6) normal working hours.

(4) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had her drive him to and from the airport, retrieves items off base to include an olive oil delivery from Lebanon and acquire a maid for his personal residence. These tasking took place during (b) (6) normal working hours. (b) (6) also stated that on 12 Nov 2012 she took (b) (6) daughter to the Ministry of education to get a certification. She delivered the certification to United Arab Emirates (UAE) embassy and gave

³ Supersedes: CCR 690-3, 11 Sep 1989

⁴ (b) (6) countered this claim. He states his mailed was delivered with professional correspondence that needed his review and signatures.

the certificate to (b) (6) when she picked (b) (6) up from the airport on 14 Nov 2012.

(5) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him drive him to the airport, moved his household item from one house to another, repair and installed lights in his private residence and make repairs to his private residence. These tasking took place during (b) (6) normal working hours⁵.

(6) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him take his daughter to the Ministry of Education and take his son to get a Central Population Registration (CPR)⁷. These tasking took place during (b) (6) normal working hours.

(7) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had her deliver his personal mail to his private residence⁸, pick-up information from the Navy College office for his family, prepare his families passports and visas and acquire vehicle passes for his personal vehicles. These tasking took place during (b) (6) normal working hours.

(8) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him acquire a base pass for his personal car. This tasking took place during (b) (6) normal working hours.

(9) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him retrieve items off base. This tasking took place during (b) (6) normal working hours.

(10) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him move his personal items during (b) (6) personal move from his old residence to his new residence, take his personal vehicle to get inspections and repairs, delivering personal items to his residence, repair a bed in his residence and make repairs to his private residence. These tasking took place during (b) (6) normal working hours.

(11) 26 March 2015, during a subject interview, (b) (6) disclosed that his staff drives him to the airport approximately thirty (30) percent of the time he goes on travel. Additionally, he disclosed that his staff has performed the personal tasks described by the witnesses.⁹

b. Analysis/Discussion/Conclusion

(1) The Joint Ethics Regulation (JER) Subpart G, (5 CFR 2635.702) states you must not use your official position to induce or coerce another person to provide any benefit to your or anyone else whom you are affiliated.

(2) Central Command Regulation 690-3 (CCR 690-3) 8 January 2015 10-7. Waste or embezzlement of assets and misuse of labor state "Employees will not be directed to perform private errands, or any duties other than those related to their official duties."

(3) Eleven of the twelve employees under (b) (6) supervision have stated that he assigned them tasks to perform personal services. These tasks were performed during their normal working hours.

⁵ On 21 May 2015 (b) (6) made a written statement claiming he didn't remember the dates of the services and that he wasn't forced to do any of the personal services.

⁶ (b) (6) took (b) (6) daughter so she could get authorization to study in Dubai.

⁷ Central Population Number (CPN) is a personal identity card for Bahrain

⁸ (b) (6) countered this claim. He states his mailed was delivered with professional correspondence that needed his review and signatures.

⁹ (b) (6) stated he never directed his staff to perform any of the tasks. The tasks were performed by the staff on their own free will.

(4) (b) (6) admitted to having some recollection of his staff performing some of the duties. However, he stated his staff performed the tasks as favors. He stated he never ordered his staff to perform any of these tasks.

(5) During interviews with the staff members they shared their disdain for (b) (6). It is unreasonable to think that his staff would perform personal services as a favor to (b) (6).

(6) Based upon the preponderance of the evidence, I concluded the allegation is substantiated.

c. Recommendations. Take appropriate administrative action to hold (b) (6) accountable.

d. Disposition. Forwarded to higher authority for appropriate administrative and/or corrective action.

4. Second allegation. That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, did abuse his authority by not approving sick leave IAW Central Command Regulation 690-3 (CCR 690-3). **Substantiated**.

a. Facts

(1) 25 and 26 March 2015, (b) (6) conducted witness interviews. Many staff member complained of their treatment when asking for and getting sick leave approved

(2) 25 March 2015, (b) (6) stated that while driving to work one morning he had a severe ear infection and was unable to continue to drive to work. He reported his condition to (b) (6) and informed him he needed to go to the hospital. (b) (6) replied that he had fifteen minutes to report to work. (b) (6) stated he was afraid that if he would be fired if he didn't comply with (b) (6) order. He also wrote that (b) (6) stated "employees will be at work unless you die".

(3) 25 March 2015, (b) (6) stated that in 2003 he had Chicken Pox and his Physician gave him two weeks sick leave. He reported to work after five days. On a follow-up interview via email he stated (b) (6) "Gets crazy when someone gets sick".

(4) 25 March 2015, (b) (6) stated that the staff must report to work before going home or seeking medical treatment. She stated that she reported to work sick and (b) (6) didn't grant her sick leave until 1200. She stated that when she arrived at the hospital she sat in her car because she didn't have the energy to go inside. The next day he questioned her on why she was at the hospital so long?

(5) 25 March 2015, (b) (6) stated she has acute sinusitis. During the seasonal weather changes she gets sick and coughs. She asked (b) (6) to go home sick and he replied "Go home forever." She stated every time she asks to go home sick his reply is "Go home forever".

(6) 25 March 2015, (b) (6) stated that he had a heart condition that required angioplasty surgery. (b) (6) wife called the office and spoke to (b) (6) his senior coworker. (b) (6) informed (b) (6) of (b) (6) condition. At that time (b) (6) yelled "tell (b) (6) if he's not fit to do the job, tell him to resign. (b) (6) stated that he was afraid if he didn't report back to work he would be terminated. (b) (6) was granted thirty (30) days rest but returned after two weeks.

(7) 13 May 2015, (b) (6) made a statement that (b) (6) "got furious when anyone called in sick and were afraid to call and request sick leave".

b. Analysis/Discussion/Conclusion

(1) The Central Command Regulation 690-3(CCR 690-3) 8 January 2015 states an employee who is absent from duty because of illness must notify his or her supervisor as soon as possible. Failure to do so may result in disciplinary action or termination of employment. Additionally, Central Command Regulation

690-3(CCR 690-3) 8 January 2015 states sick leave may be approved without a medical certificate subject to supervisory determination. The employee's sick leave record and on-the-job performance should be considered in determining whether or not a medical certificate is required¹⁰.

(2) (b) (6) the administrative assistant provided a copy of the sick leave totals of the environmental staff. The staff average sick leave is 1065 hours. Eleven of thirteen staff members have sick leave totals greater than 850 hours. Eight staff members have sick leave totals greater than 1000 hours.

(3) During interviews with the staff members they shared their belief that (b) (6) created an environment of hostility in relationship to approving sick leave. His staff would rather report to work sick than request sick leave through (b) (6).

(4) (b) (6) created an environment of fear that resulted in his staff members reporting to work sick and not taking the full amount of time to recuperate.

(5) Based upon the preponderance of the evidence, I concluded the allegation is substantiated.

c. Recommendations. Take appropriate administrative action to hold (b) (6) accountable.

d. Disposition. Forwarded to higher authority for appropriate administrative and/or corrective action.

5. Third Allegation. That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, did willfully uses or authorizes the use of a Government Vehicle, for other than an official purpose in violation of 41 CFR 109-38 Subpart 109-38.3—Official Use of Government Motor Vehicles and The Joint Ethics Regulation (JER) Subpart G, (5 CFR 2635.704). **Substantiated.**

a. Facts

(1) On 25 February 2015, (b) (6) NAVFACURAFSWA's Command Inspector General, conducted a focus group with the Local National workers from Bahrain's Public Works Department. Focus group members complained the environmental supervisor has his staff perform personal services which include the painting of his house, delivering his family's mail to his residence, repair personnel electronics etc. These tasks often involved Government Vehicles¹².

(2) 25 and 26 March 2015, (b) (6) conducted witness interviews.

(3) 25 and 26 March 2015, interviewees mentioned they used a government vehicle to complete some of the personal tasking's (b) (6) assigned them.

(4) 13 May 2015, (b) (6) gave a statement that he used a government vehicle to deliver mail to (b) (6) private residence.

(5) 13 May 2015, (b) (6) gave a statement that he used a government vehicle to perform some of the personal tasking's assigned by (b) (6)

(6) 20 May 2015, Matthew (b) (6) gave a statement that he used a government vehicle to perform some of the personal tasking's assigned by (b) (6)

¹⁰ Public works department uses Central Command Regulation 690-3(CCR 690-3) as their guild for approving sick leave.

¹¹ (b) (6) stated that his staff can go on sick leave but must produce a doctor's note upon their return.

¹² (b) (6) stated that if his staff used Gove vehicles they did so without his knowledge or permission.

A. On 21 October 2015, during an interview with (b) (6) NAVFAC EURAFSWA Assistant Operations Officer (b) (6) stated he used a government vehicle to perform personal services for (b) (6). He recalled that during the time period of (b) (6) move, that (b) (6) called (b) (6) on (b) (6) cell phone. (b) (6) told (b) (6) to go out to (b) (6) house. (b) (6) and (b) (6) went out to (b) (6) house in the government vehicle. (b) (6) was at the house and showed (b) (6) and (b) (6) where to hang some pictures that (b) (6) wanted hung on the walls of his home. (b) (6) said that (b) (6) was present at the house, and he would have known that (b) (6) had used the government vehicle to come to his house.

B. (b) (6) also came back the second day, for about the (b) (6) time, and used the government vehicle as his mode of transportation to (b) (6) house. (b) (6) stated that (b) (6) knew that (b) (6) used the government vehicle, because (b) (6) saw the government vehicle. (b) (6) said that (b) (6) did not correct (b) (6) for using the government vehicle for this task.

C. On a separate occasion in 2015, (b) (6) called (b) (6) and told him to pick up some purchases (b) (6) had made at the NEX and bring them to his house. (b) (6) went to the NEX using the government-owned golf car and brought the purchases back to the environmental division building. He transferred the items to the government vehicle and brought them to (b) (6) house. (b) (6) was at his office and told (b) (6) not to use the government vehicle. (b) (6) recalls that (b) (6) said, "Use your car," or words to that effect. The items included about eight bags of groceries. (b) (6) recalls that the bags contained soap, drinks, and other liquids, among other items, which is why the bags were so heavy and why he could not use his personal vehicle. (b) (6) told (b) (6) that he could not carry these items because they were too heavy, so he had to use the government vehicle. (b) (6) recalls that (b) (6) said, "Ok."

D. On some occasions, (b) (6) would bring mail to Awin's house while (b) (6) was on leave. (b) (6) stated that he had to use the government vehicle to bring the large boxes home, because (b) (6) could not carry the large boxes through the turnstiles that separated the base from the lot where (b) (6) parks his POV. When asked how big of a box required the use of the government vehicle, (b) (6) held his hands up at a distance of about two feet. (b) (6) indicated that on the occasions when (b) (6) was present and (b) (6) drove the government vehicle to (b) (6) home, that (b) (6) would have known that (b) (6) drove the government vehicle.

(7) 20 May 2015, (b) (6) gave a statement that he used a government vehicle to move (b) (6) household goods from (b) (6) old residence to his new residence. He stated at least one Government Vehicle was assigned for the move.

A. On 21 October 2015, during an interview with (b) (6) NAVFAC EURAFSWA Assistant Operations Officer (b) (6) recalled when asked if he was aware of employees performing personal errands for (b) (6) he recalled that some personnel helped (b) (6) move a few years ago. He recalls this because he tried calling them to assign them official work, but they were unavailable due to helping (b) (6) with his move. He recalls that (b) (6), (b) (6) and (b) (6) were involved in this task. He recalls it was during the work day and that the at least one of the three government-owned pickup trucks assigned to environmental was used.

b. Analysis/Discussion/Conclusion

(1) 41 CFR 109-38 Subpart 109-38.3—Official Use of Government Motor Vehicles in accordance with 31 U.S.C. 638a(c)(2), clearly states the use of Government-owned or -leased motor vehicles is restricted to official purposes.

(2) The Joint Ethics Regulation (JER) Subpart G, (5 CFR part 2635.704) clearly states an employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.

¹³ (b) (6) was conducting a JAGMAN investigation into the same allegations.

(3) (b) (6) (b) (6) and (b) (6) (b) (6) all gave statements claiming they use a government vehicle to complete the personal tasking's for Mr' Almasri.

(4) (b) (6) stated that he never authorized his staff to use government vehicles to perform any of the personal tasking's¹⁴. If his staff used the government vehicles it was against his guidance and policy.

(5) Based upon the preponderance of the evidence, I concluded the allegation is substantiated.

c. **Recommendations.** Take appropriate administrative action to hold (b) (6) accountable.

d. **Disposition.** Forwarded to higher authority for appropriate administrative and/or corrective action.

5. Forth Allegation. That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, did submit fraudulent travel voucher claims in violation of U.S. Code, Title 18, Sections 287 and 101 and Title 31, Section 3729 and the Defense Travel System instruction.
Substantiated.

a. Facts

(1) On 25 February 2015, (b) (6) NAVFACURAFSWA's Command Inspector General, conducted a focus group with the Local National workers from Bahrain's Public Works Department. Focus group members stated that they regularly drive (b) (6) to the airport for both personal and professional travel.

(2) 25 and 26 March 2015, (b) (6) conducted witness interviews.

(3) 25 and 26 March 2015, during witness interviews it was disclosed the various Environmental Department employees would regularly drive (b) (6) to and from the airport while (b) (6) travel on official business.

(4) 25 March 2015, (b) (6) stated he has driven (b) (6) to the airport.

(5) 25 March 2015, (b) (6) stated she has driven (b) (6) to the airport.

(6) 25 March 2015, (b) (6) stated he has driven (b) (6) to the airport.

(7) 26 March 2015, during the subject interview with (b) (6) he disclosed that his staff drove him to the airport approximately thirty (30) percent of the time from the beginning of 2014 until his interview.

(8) 25 March 2014, (b) (6) audited (b) (6) travel vouchers. (b) (6) submitted a voucher for taxi cab service to and from the airport on every voucher for all of calendar year 2014 up to March 2015 with the exception of his travel voucher submitted on 29 March 2015¹⁵.

(9) 13 May 2015, (b) (6) submitted a written statement stating he has driven (b) (6) to the airport.

b. Analysis/Discussion/Conclusion

¹⁴ (b) (6) called them favors

¹⁵ This voucher was submitted after (b) (6) s interview with (b) (6)

(1) US Code, Title 18 Section 287 clearly states “Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title”.

(2) US Code, Title 18 Section 1001 clearly states “Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully— Shall be fined under this title.

(1) Falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) Makes any materially false, fictitious, or fraudulent statement or representation; or

(3) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

(3) Title 31, Section 3729 clearly states any person who knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval, knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim, is liable to the U.S. Government.

(4) Personnel are required to review and submit a statement through the Defense Travel System acknowledging their travel voucher record is accurate and is a legal claim against the U.S. Government.

(5) (b) (6) submitted requests for transportation via a taxi cab on all twelve of his Temporary Duty Travel from 10 February 2014 until 19 March 2015.

(6) Witness statements support that indeed (b) (6) was driven to the airport by his staff.

(7) (b) (6) admitted on 26 March 2015 that approximately thirty (30) percent of the time he traveled his staff drove him to the airport.

(5) Based upon the preponderance of the evidence, I concluded the allegation is substantiated

c. **Recommendations.** Take appropriate administrative action to hold (b) (6) accountable.

d. **Disposition.** Forwarded to higher authority for appropriate administrative and/or corrective action.

6. Fifth Allegation. That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, failed to actively participate or answer all questions during his interview in violation of the Inspector General Act of 1978, as amended, letter directing his participation by (b) (6) (DATED) and his Kalkines warnings and rights. **Substantiated.**

a. Facts

(1) 9 June 2015, (b) (6) presented (b) (6) a letter from (b) (6) Naval Facilities Command Europe Africa Southwest Asia, Environmental Business Line Coordinator directing him to participate in the investigation into the allegations against him.

(2) 9 June 2015, (b) (6) issued (b) (6) Kalkines rights granting him use immunity into the administrative allegations against him. He was also notified his failure to participate could result in administrative actions against him including termination.

(3) 9 June 2015, (b) (6) conducted a follow-up interview with (b) (6) refused to participate in answering any questions that pertained to travel voucher fraud .

(4) 23 June 2015, (b) (6) reissued subject notifications to (b) (6) that included one new allegation. The additional allegation is he failed to participate in the investigation as directed by his letter from (b) (6) SECNAVINST 5430.57G and his Kalkines rights.

b. Analysis/Discussion/Conclusion

(1) SECNAV INSTRUCTION 5430.57G clearly states "All DON personnel are obligated to fully assist and cooperate with all IG actions, including inspections, investigations and inquiries. This obligation specifically includes submitting to questioning, consistent with Constitutional, Statutory and regulatory due process ".

(2) (b) (6) Naval Facilities Engineering Command, Europe Africa Southwest Asia, Environmental Business Line Coordinator provided a letter to Mr. (b) (6) directing his participation that clearly stated "You are hereby directed to provide information to determine whether administrative action is warranted based on information gathered during a command Inspector General investigation". Additionally, it clearly stated, "Per reference (b),¹⁷ all Department of the Navy personnel are obligated to fully assist and cooperate in all investigations conducted by the Inspector General. Failure to comply with this order may result in disciplinary action, including dismissal, based on your refusal to reply fully and truthfully."

(3) (b) (6) was issued use immunity via Kalkines warnings and assurances. These rights clearly state that (b) (6) has have a duty to reply to questions, and agency disciplinary action, including dismissal maybe undertaken if you refuse to answer, or fail to reply fully and truthfully. Additionally, the Kalkines warnings and assurances clearly state "Neither your answers nor any information or evidence which is gained by reason of such statements can be used against you in any criminal proceedings except that if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action".

(4) 9 June 2015, (b) (6) refused to answer any questions that related to possible travel voucher fraud.

(5) Based upon the preponderance of the evidence, I concluded the allegation is substantiated

c. **Recommendations.** Take appropriate administrative action to hold (b) (6) accountable.

d. **Disposition.** Forwarded to higher authority for appropriate administrative and/or corrective action.

5. Interviews and Documents

a. **Interviews conducted.** (All interviews conducted in person unless otherwise noted.)

(1) (b) (6) (subject), Supervisory Environmental Program Manager Public Works Department NSA Bahrain, GS-14

(2) (b) (6) (witness), Public Works Department, Environmental Department

(3) (b) (6) (witness), Public Works Department, Environmental Department

(4) (b) (6) (witness), Public Works Department, Environmental Department

¹⁶ Prior to the interview (b) (6) s attorney stated that he didn't believe NAVFACEURAFSWA's Command Inspector General had the authority to grant use immunity.

¹⁷ Reference (b) is SECNAV INSTRUCTION 5430.57G

- (5) (b) (6) (witness), Public Works Department, Environmental Department
- (6) (b) (6) (witness), Public Works Department, Environmental Department
- (7) (b) (6) (witness), Public Works Department, Environmental Department
- (8) (b) (6) (witness), Public Works Department, Environmental Department
- (9) (b) (6) (witness), Public Works Department, Environmental Department
- (10) (b) (6) (witness), Public Works Department, Environmental Department
- (11) (b) (6) (witness), Public Works Department, Environmental Department
- (12) (b) (6) (witness), Public Works Department, Environmental Department
- (13) Mr. Praveen Parambil (witness), Public Works Department, Environmental Department

b. Written Statements

- (1) (b) (6) (witness), Public Works Department, Environmental Department
- (2) (b) (6) (witness), Public Works Department, Environmental Department
- (3) (b) (6) (witness), Public Works Department, Environmental Department
- (4) (b) (6) (witness), Public Works Department, Environmental Department
- (5) (b) (6) (witness), Public Works Department, Environmental Department
- (6) (b) (6) (witness), Public Works Department, Environmental Department
- (7) (b) (6) (witness), Public Works Department, Environmental Department
- (8) (b) (6) (witness), Public Works Department, Environmental Department
- (9) (b) (6) (witness), Public Works Department, Environmental Department
- (10) (b) (6) (witness), Public Works Department, Environmental Department

b. Documents reviewed

- (1) Anonymous letter to (b) (6)
- (2) Anonymous letter to (b) (6)
- (3) (b) (6) travel vouchers From Jan 2014 to March 2015.
- (4) Joint Ethics Regulation (JER), Subpart G, (5 CFR Part 2635.701).
- (5) Email from (b) (6) Monday, February 16, 2015 9:58 AM
- (6) 114S-38.301-70 Official Use of Government-Owned or -Leased Motor Vehicles.

(7) Central Command Regulation 690-3 (CCR 690-3) 8 January 2015 ADMINISTRATION AND MANAGEMENT OF DEPARTMENT OF DEFENSE NON-U.S. CITIZEN EMPLOYEES – BAHRAIN Chapter 6 - SICK LEAVE.

(8) Central Command Regulation 690-3 (CCR 690-3) 8 January 2015 ADMINISTRATION AND MANAGEMENT OF DEPARTMENT OF DEFENSE NON-U.S. CITIZEN EMPLOYEES – BAHRAIN Chapter 10-7. WASTE OR EMBEZZLEMENT OF ASSETS AND MISUSE OF LABOR.

(9) Joint Ethics Regulation (JER) Subpart G, (5 CFR Part 2635.704).

(10) Defense Travel System computer voucher program

(11) Staff sick leave totals spreadsheet.

(12) SECNAV INSTRUCTION 5430.57G.

(13) (b) (6) letter directing (b) (6) participation.

(14) (b) (6) Kalkines warning and assurance letter.

(15) US Code, Title 18 Section 287

(16) US Code, Title 18 Section 1001

(17) US Code, Title 31, section 3729